

**U.S. Department of Labor
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Reply to the Attention of:

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January 9, 2024

Via ECF

The Honorable Therese Wiley Dancks
United States Magistrate Judge
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207

RE: *Acting Secretary of Labor v. Ip*, No. 22-CV-886-MAD-TWD

Dear Judge Dancks:

On behalf of both parties, Plaintiff writes to request to extend the deadline to file discovery motions in the above-referenced matter from January 12, 2024 to January 31, 2024. The parties have been working amicably to resolve final discovery disputes but need a short adjournment. As the Court is aware, Defendant's counsel will be out of the country from January 10-18, 2024, and the parties need additional time to exchange information, continue to discuss the final issues, and submit them to the Court if needed. Accordingly, the parties also request to extend the deadline to file pre-motion letters requesting leave to file dispositive motions to District Judge D'Agostino from February 8, 2024, to February 29, 2024.

Here are the parties' remaining issues and proposed resolutions:

- 1) Defendant agrees to produce documents reflecting the events serviced by David Ip's security services business between June 1, 2019 and August 31, 2019, for example, a calendar of events or schedule that shows the events that required staffing throughout that time. If calendars and schedules are do not exist, counsel will confer again to discuss alternative records from which a calendar of events can be constructed. Defendants will produce documents by Jan. 24, 2024, and the parties propose to address any remaining disputes about this matter by January 31, 2024.
- 2) Plaintiff has requested limited additional financial information to ascertain Defendant's net worth and Defendant objects. The parties jointly request to confer again on this discovery dispute after decisions on the parties' anticipated dispositive motions and, if they are unable to resolve the dispute at that time, to then present the issue to the Court in the form of a pre-motion letter requesting leave to file a motion to compel.
- 3) Defendant has issued a discovery request to Plaintiff, requesting the transcript of the deposition of Defendant David Ip. Plaintiff objects. The parties request to outline their positions in a letter to the Court by January 31, 2024.

Thank you for the Court's consideration of this matter.

Respectfully submitted,

Jeffrey S. Rogoff
Regional Solicitor

By: /s/ Hollis V. Pfitsch
Hollis V. Pfitsch
Senior Trial Attorney

Attorneys for Plaintiff Acting Secretary of Labor